

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GERALD S. LEPRE, JR.

Plaintiff

v.

PAUL LUKUS, et al.,

Defendants

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**3:13-CV-796
(JUDGE MARIANI)**

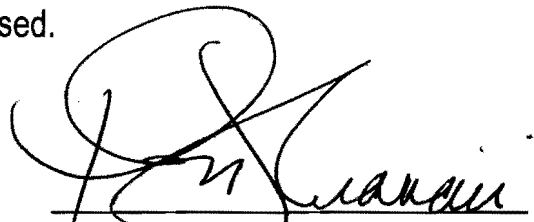
ORDER

AND NOW, THIS 15TH DAY OF JANUARY 2014, upon *de novo* review of Magistrate Judge Mehalchick's Report & Recommendation (Doc. 127), Plaintiff's Objections thereto (Doc. 128, Doc. 129), the Motions to Dismiss filed by Defendants Paul Lukus, Forest City Police Department, and Susquehanna County Defendants (Doc. 106, Doc. 107, Doc. 122), and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Objections (Doc. 128, Doc. 129) are **OVERRULED**.
2. The Report & Recommendation (Doc. 127) is **ADOPTED**.
3. The Motions to Dismiss filed by Defendants Paul Lukus, Forest City Police Department, and Susquehanna County Defendants (Doc. 106, Doc. 107, Doc. 122) are **GRANTED**.
4. To the extent Plaintiff's Procedural and Substantive Due Process claims, Equal Protection claim, 42 U.S.C. § 1983 Conspiracy claim, and direct constitutional challenge to 23 Pa. Cons. Stat. § 4341(b) are not barred for the reasons set forth in

the Report & Recommendation (the *Rooker-Feldman* doctrine or the absence of *Monell* liability), they are **DISMISSED** for failure to state a claim upon which relief can be granted.

5. Plaintiff is **NOT** granted leave to amend further.
6. Plaintiff is on **NOTICE** that the Court is considering dismissing the two remaining defendants, Desiree Shifler-Ferraro and Christine Lukus for the reasons articulated in the attached Memorandum Opinion.
 - a. **ON OR BEFORE JANUARY 15, 2014**, Plaintiff shall **SHOW CAUSE** why these defendants should not be dismissed.



Robert D. Mariani
United States District Judge